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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,188	09/13/2000	Hannes Eberle	53470.000020	8189
29315	7590	05/06/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			PHAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2645	23

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/661,188

Applicant(s)

EBERLE ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2 2
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-16 rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe et al., Patent #6,507,817.**

Regarding claims 1 and 9, Wolfe teaches a system and method for generating an active voice page that provides at least one interactive and real-time voice service to at least one user and includes at least one parameter set by the user as a trigger condition *[col.3 lines 41-45, col.6 lines 25-67 and col.8 lines 13-27; parameter is set by user which is his device capabilities/preferences which when checked and met, the application server customizes the delivery method(ie. TTS if phone or email if only has a PC)]*, the active voice page comprising at least one markup language document (Fig.3 and col.8 lines 23-34), the system and method comprising:  
a subscription interface that enables the at least one user to subscribe to at least one voice service, wherein each user specifies at least personalized content associated with the at least one voice service(col.7 line 57-col.8 line 44);

an input module that receives data reports and a structure for the at least one voice service and a markup language converting module that converts the data reports and the structure into a markup language(62 and 64 Fig.1, col.3 lines 17-40 and col.8 lines 23-34) ;

a monitoring module that determines whether the at least one parameter has been satisfied(*col.6 lines 25-67 and col.8 lines 13-27*);

a blending module for blending the converted data reports and the converted structure into the active voice page(Fig.3, col.3 lines 17-40, and col.8 lines 23-34); and

a communication module that enables the at least one voice service to initiate a communication session with the at least one user when the at least one parameter is satisfied wherein the communication module is adapted to convey the personalized content to the at least one user and to enable the at least one user to respond to the at least one voice service (66 Fig. 2, col.3 lines 28-40 and col.8 lines 7-44; the personalized content is conveyed to the user and response interaction can occur).

Regarding claims 2 and 10, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language is extensible markup language (col. 6 lines 32-39)

Regarding claims 3 and 11, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language is TML (*col.6 lines 32-67; TML is telephony markup language which this is*).

Regarding claims 4 and 12, Wolfe teaches the system and method of claims 1 and 9, wherein the data reports are online analytical processing system reports (col.6 lines 19-67)

Regarding claims 5 and 13, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language converting module comprises a markup language generator that receives the structure and generates a markup language document from the structure (*col.6 lines 32-67*)

Regarding claims 6 and 14, Wolfe teaches the system and method of claims 1 and 9, wherein the markup language converting module comprises a markup language transforming module that receives data reports from the input module and transforms the data reports into markup language documents (*col.6 lines 32-67*).

Regarding claims 7 and 15, Wolfe teaches the system and method of claims 6 and 14, wherein the markup language transforming module receives stylesheets from the input module and transforms the data reports into markup language documents using the stylesheets (*col.7 lines 1-36*).

Regarding claims 8 and 16, Wolfe teaches the system and method of claims 1 and 9 further comprising: receiving one or more style properties that are unique to the at least one user and generating a call request for the at least one user from the active voice page and the style properties (*col.7 lines 1-36*).

Regarding claims 17 and 18, Wolfe teaches the system and method of claims 1 and 9 further comprising a monitoring module that is adapted to monitor predetermined conditions initiate execution of the at least one voice service (*Fig.1and col.8 lines 31-44*)

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection above.

Examiner notes that the added limitation of "parameter set by user as a trigger condition" as claimed does not limit to applicant's scheduling condition or the triggering of the generation of the voice page. Examiner can read as checking and meeting the preferences set by the user then establishing a communication session.

***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP  
April 28, 2004



FAN TSANG  
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